

**Notice of Allowability**

Application No.

10/017,369

Examiner

Khanh Dinh

Applicant(s)

KANEKO ET AL.

Art Unit

2151

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/2001.
2. ☒ The allowed claim(s) is/are 37,38 and 65-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Khanh Dinh*  
A. U. 2151

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jay H. Maioli (the Undersigned Attorney, Reg. No.27,213) on 9/30/2005.

The application has been amended as follows:

#### IN THE CLAIMS:

Please **cancel** claims 1-36 and 39-64.

Please amend claims as follows:

-- Claim 37. (Currently amended) A data providing system, comprising:

a data providing apparatus, having:

issuing means for issuing an identifier to each of a template image into which a predetermined user image can be inlaid as superimposed upon a predetermined advertisement image and ~~[[said]]~~ an advertisement image;

provision image data generating means for generating provision image data of a provision image with said advertisement image inlaid into said template image; and

providing-side transmitting means for transmitting said provision image data and said identifier corresponding to said provision image data via a network;

a data acquiring apparatus, having:

acquiring-side receiving means for receiving said provision image data and said identifier from said network;

transmission image data generating means for generating transmission image data by manipulating said provision image by presenting said provision image based on said provision image data displayed on predetermined display means and then inlaying said user image into said template image of said provision image as superimposed upon said advertisement image so that said user image is displayed in preference to said advertisement image; and

acquiring-side transmitting means for adding said received identifier to said transmission image data and transmitting said resulting transmission image data to a predetermined destination via said network; and

a fee-charge processing apparatus; having:

fee-charge receiving means for receiving said transmission image data added with said identifier being transmitted once every time said transmission image data added with said identifier are transmitted from said data acquiring apparatus to said predetermined destination via said network; and

fee-charge processing means for computing a template usage fee to be paid to a creator of said template image by counting a number of times said template image corresponding to said identifier added to said transmission image data has been used for displaying said advertisement image at said generation of said transmission image data.

Claim 38 (Original). The data providing system according to claim 37, wherein said fee-charge processing means counts the number of times said advertisement image corresponding to said identifier added to said transmission image data has been displayed for product advertisement at the generation of said transmission image data and computes an advertisement fee to be billed to an advertiser in accordance with the usage count to divert a part of said advertisement fee to said template usage fee to be paid to said creator of said template image.

Claims 39-64 (Canceled)--

Please **add** new claims 65-68.

Claim 65. (New) A data providing method, comprising the steps of:

- issuing an identifier to each of a template image into which a predetermined user image can be inlaid as superimposed upon a predetermined advertisement image and an advertisement image;
- generating provision image data of a provision image with said advertisement image inlaid into said template image;
- transmitting said provision image data and said identifier corresponding to said provision image data via a network;
- receiving said provision image data and said identifier from said network;

generating transmission image data by manipulating said provision image by presenting said provision image based on said provision image data being displayed and then inlaying said user image into said template image of said provision image as superimposed upon said advertisement image so that said user image is displayed in preference to said advertisement image;

adding said received identifier to said transmission image data and transmitting said resulting transmission image data to a predetermined destination via said network;

receiving said transmission image data added with said identifier being transmitted once every time said transmission image data added with said identifier are transmitted to said predetermined destination via said network; and

computing a template usage fee to be paid to a creator of said template image by counting a number of times said template image corresponding to said identifier added to said transmission image data has been used for displaying said advertisement image at said generation of said transmission image data.

Claim 66 (New). The data providing method according to claim 65, wherein said step of computing counts the number of times said advertisement image corresponding to said identifier added to said transmission image data has been displayed for product advertisement at the generation of said transmission image data and computes an advertisement fee to be billed to an advertiser in accordance with the usage count to divert a part of said advertisement fee to said template usage fee to be paid to said creator of said template image.

Claim 67. (New) A data providing system, comprising:

a data providing apparatus, having:

an issuing unit for issuing an identifier to each of a template image into which a predetermined user image can be inlaid as superimposed upon a predetermined advertisement image and an advertisement image;

a provision image data generator for generating provision image data of a provision image with said advertisement image inlaid into said template image; and

a providing-side transmitter for transmitting said provision image data and said identifier corresponding to said provision image data via a network;

a data acquiring apparatus, having:

an acquiring-side receiver for receiving said provision image data and said identifier from said network;

a transmission image data generator for generating transmission image data by manipulating said provision image by presenting said provision image based on said provision image data displayed on a predetermined display and then inlaying said user image into said template image of said provision image as superimposed upon said advertisement image so that said user image is displayed in preference to said advertisement image; and

an acquiring-side transmitter for adding said received identifier to said transmission image data and transmitting said resulting transmission image data to a predetermined destination via said network; and

a fee-charge processing apparatus; having:

a fee-charge receiver for receiving said transmission image data added with said identifier being transmitted once every time said transmission image data added with said identifier are transmitted from said data acquiring apparatus to said predetermined destination via said network; and

a fee-charge processor for computing a template usage fee to be paid to a creator of said template image by counting a number of times said template image corresponding to said identifier added to said transmission image data has been used for displaying said advertisement image at said generation of said transmission image data.

Claim 68. (New) The data providing system according to claim 67, wherein said fee-charge processor counts the number of times said advertisement image corresponding to said identifier added to said transmission image data has been displayed for product advertisement at the generation of said transmission image data and computes an advertisement fee to be billed to an advertiser in accordance with the usage count to divert a part of said advertisement fee to said template usage fee to be paid to said creator of said template image.

### ***Oath/Declaration***

2. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth as it does not include the notary's signature, or the notary's signature is in the wrong place. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of

time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

***Allowable Subject Matter***

3. Claims 37, 38 and 65-68 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The above mention claims are allowable over the prior art of record does not appear to each or render obvious the claimed limitations in combination with the specific added limitations as recited in independent claims and subsequent dependent claims. None of the cited prior art discloses or teaches a data providing system including a data providing apparatus for generating the provision image data of a provision image which is reusable by inlaying a predetermined advertisement image into a predetermined template image in which a predetermined user image can be inlaid as superimposed upon the predetermined advertisement image, and sending the generated provision image data via a network and a data acquisition apparatus for receiving the provision image data from the data providing apparatus via the network, displaying the provision image based on the received provision image data, inlaying the predetermined user image into the template image of this provision image as superimposed upon the predetermined advertisement image, and transmitting said resulting transmission image data to predetermined destination via said network, and fee-charge processing apparatus having a fee-charge receiving means and fee-charge processing means for computing a template usage fee to be paid to a



creator of said template image by counting the number of times said template image corresponding to said identifier added to said transmission image data has been used for displaying said advertisement image the transmission image data.

*Other prior art cited*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Jablonski et al, US-2005/0209923 A1.
- b. Terada et al, US-2002/0103860.
- c. Cantrell, US-2002/0103698.
- d. Hoffberg et al, US pat. No.6,640,145.
- e. Imaishi, US-2004/0064498.
- f. Hoffbert, US pat. No.6,850,252.
- g. Rhoads et al., US pat. No.6,947,571.
- h. Hicks, US pat. No.6,358,598.

Art Unit: 2151

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Patent Examiner  
Art Unit 2151  
9/30/2005